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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,009	08/15/2006	Masato Tsuboi	018842.1502	9084

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BAKER BOTTS LLP

C/O INTELLECTUAL PROPERTY DEPARTMENT

THE WARNER, SUITE 1300

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EXAMINER

JIANG, CHEN WEN

ART UNIT

PAPER NUMBER

3744

NOTIFICATION DATE

DELIVERY MODE

08/04/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/598,009

Applicant(s)

TSUBOI ET AL.

Examiner

Chen-Wen Jiang

Art Unit

3744

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-8 and 11 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 9 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 20061115
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. Figure 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 3, 6-8 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakayama et al. (JP 09273819).

Nakayama et al. disclose a refrigerating cycle comprising a constant speed compressor 105b, variable speed compressor 105a and controller 151. Referring to Figs.3-6, the rotational speed of variable speed compressor is initiated based on the request capacity to the compressor at the same it suspends the constant speed compressor ([0037], [0043], [0056], [0057], [0063], [0064]). Therefore, there is no feedback for the variable speed compressor during the switch. The

compressor 105 is provided with two, the inverter compressor 105a which motor rotation frequency changes, and constant-speed compressor 105b with constant motor rotation frequency. The outdoor controller 151 controls the number of rotations of turning on and off (operation and stop) of the inverter compressor 105a and the 1 constant-speed compressor 105b, and the motor of the inverter compressor 105a, and the valve opening of the outdoor refrigerant flow rate regulating valve 102. The outdoor controller 151 with the preset temperature of the room temperature of the interior units 200 and 300, and it computes the request capacities to the compressor 105, and controls the inverter compressor 105a and the constant-speed compressor 105b by a difference with air temperature.

4. Claims 1-3, 6-8 and 11 are rejected under 35 U.S.C. 102(a) as being anticipated by Tsuboi et al. (US 2003/0136138).

Tsuboi et al. disclose a hybrid air conditioner for vehicle. Referring to Fig.13, the system comprises a fixed speed compressor 1, variable speed compressor 4, evaporator temperature sensor 14, room temperature sensor 27, outside temperature sensor 28 and solar temperature sensor 29 and controller 31. The air conditioner simultaneously operates both the first compressor and the second compressor or singly operates one of them in response to power consumption, refrigerating capacity, or thermal load of the vehicle. The main controller 31 includes a switching time motor target rotation speed calculator 33, a motor rotation speed feedback calculator 34, a drive source switching controller 35, a clutch drive controller 36, a motor target rotation speed calculator 37, and a motor drive controller 38 [0099]. With reference to the engine rotation speed N_e of the automobile, the switching time motor target rotation speed

calculator 33 calculates the first motor target rotation speed N_{mol} as a feed-forward value, given by $N_{mol}=f(T_o, T_{off})$ [0103].

Allowable Subject Matter

5. Claims 4, 5, 9 and 10 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chen-Wen Jiang whose telephone number is (571) 272-4809. The examiner can normally be reached on Monday-Thursday from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chen-Wen Jiang/
Primary Examiner, Art Unit 3744